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INFO RUEHZH/HAITI COLLECTIVE PRIORITY
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RUEHSA/AMEMBASSY PRETORIA PRIORITY 1486
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C O N F I D E N T I A L SECTION 01 OF 02 PORT AU PRINCE 001683

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E.O. 12958: DECL: 10/17/2017
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [HA](#)
SUBJECT: ELECTORAL COUNCIL MEMBERS DEFEND THEIR
ACCOMPLISHMENTS

REF: A. PORT AU PRINCE 1649

- [1](#)B. PORT AU PRINCE 1133
- [1](#)C. PORT AU PRINCE 1533
- [1](#)D. PORT AU PRINCE 1624
- [1](#)E. PORT AU PRINCE 1682

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Classified By: Ambassador Janet A. Sanderson for reasons 1.4 (b) and (d)
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[1](#)1. (C) Summary: The Provisional Electoral Council (CEP) continues in office despite public announcements that President Preval is seeking to form a new provisional council. Six of the CEP's nine counselors claim to be willing and capable of managing both the indirect elections - part of their original mandate - and the reelection of one-third of the Senate, for which they would need a revised mandate. Despite the current CEP's poor track record, forming a replacement council at this point would likely further delay the senatorial and indirect elections. Under threat of losing their jobs, these counselors believe that this is part of a presidential scheme ultimately to foist a populist constitution upon Haiti. We do not find this accusation credible. End summary.

' 'We've done a great job so far...'

[1](#)2. (C) The GoH has not, to date, disbanded the current Provisional Electoral Council (CEP), notwithstanding Minister of Parliamentary Relations Joseph Jasmin's October 10 announcement of the council's dissolution (ref A). The Secretary General of the Presidency distanced the GoH from

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Jasmin in an October 12 statement, claiming Jasmin was speaking in his role as Lespwa steering committee member, not his official ministerial position. Prime Minister Jacques-Edouard Alexis amplified this point October 12, stating that the GoH has not/not dissolved the CEP, and that CEP counselors can continue with their mission in the meantime. In a press release dated October 10 signed by six

of the nine CEP counselors, the council recounted the series of successful elections the CEP managed over its two and a half year tenure and denounced the Executive's decision to delay elections further by forming a new provisional CEP. CEP President Max Mathurin, Vice President Freud Jean, Treasurer and Acting Director General Francois Benoit, Secretary General Rosemond Pradel, and counselors Josefa

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Gauthier and Pauris Jean Baptiste all signed the note. Counselors Patrick Fequiere, Louis Gerson Richeme and Pierre-Richard Duchemin ''continue to form a separate group and are obviously disassociated from this demarche,'' according to the letter.

''...and we can keep going...''

13. (C) The same six-counselor faction met with PolCouns and Poloff October 12. They said the CEP has received no direct communication from the Presidency or the Prime Minister's office since the October 9 meeting at the Palace with political party leaders (ref A). CEP President Max Mathurin explained that they are still dedicated to finishing their 2005 mandate by completing the indirect elections. He reviewed the steps the CEP has taken to keep elections on track, citing their May 25 presentation to the Executive of a proposed law governing indirect elections (ref B) as well as their August 17 letter to Preval asking the President to address the CEP's mandate and set a date for senatorial elections (ref C). CEP member Josefa Gauthier estimated that forming a new provisional CEP would take six months to a year, delaying elections far beyond the constitutional deadline. Secretary General Pradel recommended that the President simply extend the mandate of the current CEP to include the Senate elections. Pradel said it is not too late to ''rescue'' the current council and prevent an indefinite delay of elections. The counselors vowed to explain this option publicly on the next business day, October 15 (Note: As of October 16, they had not done so. End note.)

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14. (C) The counselors dismissed as ''pretexts'' President Preval's rationale for replacing the CEP - primarily the charges of internal division and corruption. According to Mathurin, the counselors have received no written notification from either the Anti-Corruption Unit (ULCC) or the office of Chief Prosecutor Claudy Gassant outlining charges against them. Mathurin called the allegations a ''phantom report.'' Pauris Jean-Baptiste strongly disputed claims that divisions between CEP counselors would prevent them from successfully executing elections: the CEP functions by majority decision, and the six counselors in that majority were capable of managing elections regardless of the position of the other three. The three absent counselors (equiere, Richeme and Duchemin), he said, do nothing but show up to claim their paychecks. (Note: Though the six-counselor majority is known to have serious internal conflicts, they have vigorously banded together in the face of the likely loss of their jobs. Their assessment of the three recalcitrant CEP members is, to our mind, overly generous. Fequiere, in particular, has proven troublesome. End note.)

''...but first let us explain the conspiracy...''

15. (C) Secretary General Pradel presented a theory - seconded by the other counselors present - that Preval's decision to form a new CEP is part of a larger scheme to remake the Constitution in a populist spirit. In pursuit of this goal, Preval had not allowed the provisional CEP to conduct indirect elections, which by now would have installed the decentralized government structure outlined in the 1987

Constitution and culminated in the selection of a permanent CEP. In order to 'get rid of' the CEP, Preval instigated the allegations of corruption brought forth over the last 14 months. However, Pradel recalled, the Superior Court of Accounting and Administrative Disputes (CSCCA) in June 2006 had ruled the allegations unfounded. Political parties, churches, civil society and the private sector now recognized Preval's game and were coming to the defense of the CEP. Preval's second step was to let the re-election of the Senate slide so that one-third of the Senate will not be renewed on time, resulting in a defunct Senate and National Assembly, at which point Preval would be in a position to oversee drafting a new constitution without parliamentary oversight. Pradel imputed to the President the ultimate goal of installing a populist constitution in Haiti in imitation of the Chavez model in Venezuela.

¶6. (C) Acting CEP Director General Francois Benoit reiterated previous comments (ref D) that this 'invasive infringement of the independence of the CEP' is only the first step in a downward spiral toward dictatorship. Benoit said Preval would do just enough to placate the international community, but only to buy himself time to continue conspiring to control future elections and rewrite the Constitution.

¶7. (C) Comment: We do not subscribe to the more extreme CEP view of a President with dictatorial or populist motives. It is nonetheless undeniable that the President has managed events surrounding the CEP to the point that holding Senate elections on time is just about impossible. The irony is that the current CEP is indeed dysfunctional and ineffective. Its success in past elections was due to its more able director general of that period. However, in the interest of salvaging the senatorial elections, the CEP is finding support among some political parties and other social groups (ref E). We cannot endorse theories that Preval engineered this entire chain of events in order to write a new constitution, but the fact remains that Haitian elections - for one-third of the Senate and indirect elections for local government institutions - have yet to be scheduled.

SANDERSON